

## DEPARTMENT OF INDUSTRIAL RELATIONS

OFFICE OF THE DIRECTOR  
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San Francisco, CA 94102  
(415) 703-5050



January 7, 2000

Jerry Fulwood, City Manager  
City of La Cañada Flintridge  
1327 Foothill Blvd  
La Cañada Flintridge, CA 91011-2137

Re: Public Works Case No. 99-058  
Jack Hastings Memorial Gazebo  
Volunteer Construction Project/City of La Cañada Flintridge

Dear Mr. Fulwood:

This letter constitutes the determination of the Director of Industrial Relations regarding coverage of the above-referenced project under the California prevailing wage laws, and is made pursuant to Title 8 California Code of Regulations (C.C.R.) Section 16001(a). Based upon my review of the documents submitted and an analysis of the relevant facts as presented, I have determined that the construction of the Jack Hastings Memorial Gazebo is not a public work under the limited provisions of Labor Code Section 1720.4.

Labor Code Section 1720(a) defines public works to mean: "Construction, alteration, demolition, or repair work done under contract and paid for in whole or in part out of public funds..." There is a limited exception under section 1720.4. To qualify for this exception, the project must be performed entirely by volunteer labor to construct a facility that will be exclusively or primarily used by community organizations, and will not have an adverse impact on employment. A project under this exception also must be approved by the Director.

This public works coverage determination request involves the construction of a gazebo in a public park, which will be used primarily by community organizations such as the Boy Scouts, Girl Scouts, Kiwanis, and Friends of Glenola Park ("Friends"). Friends has supplied a list of individuals who will provide the labor on a volunteer basis and certifies that no one will receive payment for their labor, including the contractor under whose license the work will be performed. The City of La Cañada Flintridge ("City") will provide funds only for

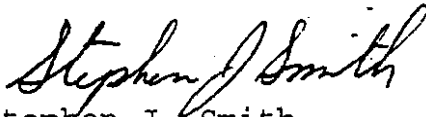
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materials, which will be supplemented by Friends, if necessary. The City has undertaken to ensure no one receives wages for their work. The interested area unions (Carpenters, Laborers, Masons, and Electricians) were contacted and all believe that allowing the project to proceed will have no adverse impact on their members..

For the foregoing reasons, the construction of the Jack Hastings Memorial Gazebo fulfills the conditions set forth in section 1720.4 and is, therefore, not a "public work."

I hope this determination satisfactorily answers your inquiry.

Sincerely,



Stephen J. Smith  
Director

cc: Daniel M. Curtin, Chief Deputy Director  
and Acting Chief, DLSR  
Henry P. Nunn, III, Chief, DAS  
Marcy Vacura Saunders, Labor Commissioner  
Vanessa L. Holton, Asst. Chief Counsel  
Margaret Pankratz, Friends of Glenola Park